

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

INHALATION PLASTICS, INC.

Plaintiff,

v.

**Case No. 2:07-CV-116
JUDGE SMITH
MAGISTRATE JUDGE KING**

MEDEX CARDIO-PULMONARY, INC.,

Defendant.

ORDER

On October 28, 2010, the United States Magistrate Judge recommended that Defendant's counterclaims not be stricken. *Order and Report and Recommendation*, Doc. No. 108. Although the parties were advised of the right to object to the recommendation, and of the consequences of their failure to do so, there has nevertheless been no objection.

The *Report and Recommendation*, Doc. No. 108, is **ADOPTED AND AFFIRMED**.

The *Motion to Strike*, Doc. No. 99, is **DENIED**.

IT IS SO ORDERED.

/s/ George C. Smith
**GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT**